

## **REMARKS**

In the Office Action, all pending claims 1, 2, 4-22 and 24-32 were rejected by the Examiner. By this Response and RCE, Applicants have added new claims 33-50. Applicants respectfully request reconsideration of the application in view of the remarks set forth below.

### **First Rejection under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 1, 2, 4-22 and 24 under 35 U.S.C. § 103(a) as being obvious over Pivowar et al. (U.S. Patent No. 6,457,062) in view of Outlook screenshots.

Specifically, with regard to the independent claims, the Examiner stated:

As per claim 1, Pivowar teaches a device for managing a combination of family-related matters and work-related matters, the device comprising: a processor (col. 1, lines 35-39)\*; a calendaring program running on the processor (col. 1, lines 35-39)\*; and an input/output stage operably coupled to the processor (col. 4, lines 50-63) and adapted to communicate with a remote device to update the calendars (col. 5, lines 41-47). However, Pivowar does not explicitly disclose the calendaring program adapted to provide at least one calendar corresponding to family-related matters, at least one calendar corresponding to work-related matters, and at least one calendar corresponding to a merger of the family-related matters and the work-related matters, the at least one calendar corresponding to the merger of the family-related matters and the work-related matters adapted to display icons that distinguish between the family-related matters and the work-related matters. However, Outlook teaches the calendaring program adapted to provide at least one calendar corresponding to family-related matters (Figure 2 item 30), at least one calendar corresponding to work-related matters (Figure 2 item 40), and at least one calendar corresponding to a merger of the family-related matters and the work-related matters (Figure 1 item 25), the at least one calendar corresponding to the merger of the family-related matters and the work-related matters adapted to display icons that distinguish between the family-related matters and the work-related matters (Figure 1 item 10, Figure 2 item 50). Therefore, it would have been obvious to one of ordinary skill

in the art at the time of the invention to include the various types of calendars available in Outlook with the device of Pivowar in order for an individual to be able to organize their time according to the various lifestyles they pursue.

...

As per independent claim 13, Pivowar teaches a system for managing a combination of family-related matters and work-related matters, the system comprising: a first device designated as a hub (col. 4, lines 50-51); a plurality of second devices (col. 4, lines 50-51); a host computer adapted to communicate with the first device and with the plurality of second devices (col. 4, lines 50-51); and a calendaring program running on at least the first device (col. 2, lines 15-28), the calendaring program adapted to update the calendars in response to communication between the first device and the host computer (col. 5, lines 41-47).

However, Pivowar does not explicitly disclose the calendaring program adapted to provide at least one calendar corresponding to family-related matters and at least one calendar corresponding to work-related matters. However, Outlook teaches the calendaring program adapted to provide at least one calendar corresponding to family-related matters (Figure 2 item 30), at least one calendar corresponding to work-related matters (Figure 2 item 40), and at least one calendar corresponding to a merger of the family-related matters and the work-related matters (Figure 1 item 25), the at least one calendar corresponding to the merger of the family-related matters and the work-related matters adapted to display icons that distinguish between the family-related matters and the work-related matters (Figure 1 item 10, Figure 2 item 50). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the various types of calendars available in Outlook with the device of Pivowar in order for an individual to be able to organize their time according to the various lifestyles they pursue.

Office Action, pages 2-5.

Applicants respectfully traverse this rejection. The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (P.T.O. Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion

supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (Bd. Pat. App. & Inter. 1985).

Embodiments of the present invention relate to a management system for managing personal and work-related matters. *See* Application, page 2. Specifically, one embodiment of the present invention comprises a work calendar (e.g., 112) that displays work-related items, a personal calendar (e.g., 114) that displays personal items, and a merged calendar (e.g., 110) that displays both work-related and personal items. *See id.* at page 21. In one embodiment, the merged calendar displays a work icon (e.g., 116) or a personal icon (e.g., 118) beside each item, and these icons are unique or *distinguishable* so that a user can rapidly determine whether the item is work-related or personal. *See id.* at page 21. For example, as illustrated in FIG. 13C, a house-shaped icon 118 is used to designate personal items and an office-shaped icon 116 is used to designate work-related items. *See id.* at FIG. 13C. Accordingly, independent claims 1 and 13 recite, *inter alia*, “at least one calendar corresponding to the merger of the family-related matters and the work-related matters adapted to *display icons that distinguish between the family-related matters and the work-related matters.*” (Emphasis added).

The Examiner admitted that the Pivowar reference is deficient with respect to the recited features set forth above and attempted to remedy the admitted deficiencies by citing screenshots from Outlook. *See* Office Action, pages 3, 5, and 6. Applicants respectfully

assert that the Outlook screenshots do not disclose icons that *distinguish between family-related matters and work-related matters*. Indeed, the items the Examiner alleges to be icons appear to be visibly *identical*. All of the alleged icons are essentially a box shaped representation of a calendar. Accordingly, the icons do not *distinguish between* family-related and work-related matters as set forth in the present claims.

In response to Applicant s' arguments that the Outlook reference does not disclose icons that distinguish between family-related matters and work-related matters, the Examiner stated:

The examiner points out while the two icons may be the same they distinguish that there are two different calendars one for family and one for work related matters. For instance in the windows environment, a folder is often used to depict a directory. While there are many directories that use the same folder icon, they are each a separate directory. Therefore each folder distinguishes one directory from the other. The claims do not read that the icons themselves need to be different, just that they distinguish two different calendars.

Office Action, page 11.

Applicants respectfully disagree with the Examiner's remarks. First, although Applicants agree with the Examiner's statement that the two icons shown in the Outlook reference are the same, Applicants disagree that they can nevertheless be used to "distinguish" between two different calendars or matters. Indeed, the only thing in the Outlook reference that distinguishes between the two different calendars is the title of the folders/calendars themselves – the identical icons provide no means of *distinguishing* between the different matters whatsoever. In fact, the Examiner apparently recognizes this distinction in stating that "each folder distinguishes one directory from another." Again, it is

only the different folders/calendars that distinguish between personal and work-related matters in the Outlook reference – not the *icons* that are used.

Second, Applicants also respectfully disagree with the Examiner's statement that the "claims do not read that the icons themselves need to be different, just that they distinguish two different calendars." Claim 1, for example, recites "at least one calendar corresponding to the merger of the family-related matters and the work-related matters adapted to display icons that distinguish between the family-related matters and the work-related matters." Therefore, contrary to the Examiner's assertion, the claims do *not* recite that the icons "distinguish two different calendars." Furthermore, although claim 1 does not specifically recite that the icons which distinguish between the family-related matters and the work-related matters are different, inherently they must be, otherwise they could not *distinguish* between these two different matters. Indeed, any attempt to read this recitation any other way is simply unreasonable based upon the clear language of the claim and the context in which the icons are discussed in the specification.

In view of the arguments set forth above, Applicants respectfully request that the Examiner withdraw the rejection of independent claims 1 and 13 and provide an indication of allowance. Further, Applicants request that the Examiner withdraw the rejection of dependent claims 2, 4-12, 14-22 and 24 based on their respective dependencies and for unique matter recited in each dependent claim.

### **Second Rejection under 35 U.S.C. § 103**

The Examiner rejected claims 25-32 under 35 U.S.C. § 103(a) as being unpatentable over Hawkins (U.S. Patent No. 6,006,274) in view of Outlook screenshots. Specifically, the Examiner stated:

As per independent claim 25, Hawkins teaches a system for managing a combination of family-related matters and work-related matters, the system comprising: a family/work device (Figure 1 item 130); a plurality of work devices (Column 5 lines 31-35); a private host computer communicatively coupled to the family/work device (Figure 1 item 110) and to the plurality of work devices (Column 5 lines 31-35); a private host computer communicatively coupled to the family/work device (Figure 1 item 110) and to the plurality of work devices, the private host computer maintaining work-related matters (Column 4 lines 26-35); a plurality of family devices (Column 5 lines 31-35) a public host computer communicatively coupled to the family/work device (Figure 1 item 150) and to the plurality of family devices, the public host computer maintaining family-related matters (Column 4 lines 26-35); and a calendaring program running on at least the family/work device and the host computers (Column 5 lines 35-43). However, Hawkins does not explicitly disclose the calendaring program adapted to provide at least one calendar corresponding to family-related matters and at least one calendar corresponding to work-related matter. Outlook discloses a calendaring program adapted to provide at least one family-related calendar and at least one work-related calendar (Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the various types of calendars available in Outlook with the device of Hawkins in order for an individual to be able to organize their time according to the various lifestyles they pursue.

Office Action, pages 7-8.

Applicants respectfully traverse this rejection. Embodiments of the present invention relate to facilitating sharing of work-related items and personal items via host computers. *See* Application, pages 16-17. As noted in the present application, work-related information is frequently stored on company computers. *Id.* However, companies typically do not store company-related information on *public* host computers (e.g., 78), such as computers operated

by a public internet service provider. *Id.* Rather, companies typically use *private* host computers (e.g., 52) that allow employees to access company-related information without providing non-employees with access. *Id.* On the other hand, in one embodiment of the present invention, a public host computer is used to store family related items. *Id.* Accordingly, independent claim 25 recites, *inter alia*, “a *private host computer* communicatively coupled to the family/work device and to the plurality of work devices, *the private host computer maintaining work-related matters ... a public host computer* communicatively coupled to the family/work device and to the plurality of family devices, *the public host computer maintaining family-related matters.*” (Emphasis added).

In the Office Action, the Examiner asserted that the Hawkins reference teaches the features of claim 25 set forth above. However, the Hawkins reference merely discloses two personal computers 110 and 150 coupled together using a computer network 180. *See Hawkins et al.*, col. 5, lines 53-65. The Hawkins reference does not teach a *public* host computer *and* a *private* host computer. Further, the Hawkins reference certainly does not teach maintaining work-related matters on a private host computer and family-related matters on a public host computer. Accordingly, the Hawkins reference does *not* disclose the features of independent claim 25 alleged by the Examiner.

Applicants respectfully assert that the Outlook screenshots fail to remedy the deficiencies of the Hawkins reference. Indeed, the Examiner does not even make such an allegation. Accordingly, whether considered separately or together, the cited references fail to teach or suggest all of the recited features of independent claim 25.

In response to Applicants' arguments, the Examiner stated:

...in both cases a host is a computer system accessed by a user from a remote location. In the case of two computer systems connected via modem or serial line, the "host" is the system containing the data and the "remote" is the computer at which the user is working. Since a work environment needs to be secure to ensure office privacy, this would insinuate a private network. Wherein a local home personal computer, which is not secure and used for only personal use, would be public.

Office Action, page 11.

Applicants respectfully disagree with the Examiner's statements and with their applicability to the present rejection. In regard to the former point, there is absolutely no evidence whatsoever that anyone would consider a home personal computer to be a "*public* host computer." Just the opposite is true – most people would consider their home computer to be more private than their work computer. In regard to the latter point, the Examiner's statements do not appear to be correlated to the Hawkins reference. As mentioned above, the Hawkins reference merely discloses two personal computers coupled together using a computer network. The Hawkins reference does not teach a public host computer and private host computer, as set forth in claim 25. In other words, the Examiner's comments regarding a "work environment," "personal use," and "private" versus "public," simply find no support whatsoever in the Hawkins reference.

In view of the arguments set forth above, Applicants respectfully request that the Examiner withdraw the rejection of independent claim 25 and provide an indication of allowance. Further, Applicants request that the Examiner withdraw the rejection of dependent claims 26-32 based on their respective dependencies and for unique matter recited in each dependent claim.



### **New Claims**

Applicants have added new claims 33-50. No new matter has been added. New independent claim 33 is directed to a cellular telephone that uses icons to distinguish between personal information and work-related information. Similarly, new independent claim 37 is directed to a system that uses icons to distinguish between personal information and work-related information. Thus, new claims 33-43 are believed to be patentable for the reasons discussed above with regard to the first rejection.


New claims 44 and 45 depend either directly or indirectly from independent claim 1, new claims 46 and 47 depend either directly or indirectly from independent claim 13, and new claims 48-50 depend either directly or indirectly from independent claim 25 to further define the icons. The art of record does not disclose the subject matter set forth in claim 44-50, so Applicants respectfully submit that claims 44-50 contain patentable subject matter.

**Conclusion**

In view of the remarks set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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